IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRD DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 20161 of 2004

Between:

1 Smt.V.Swarnalatha, w/o late Nageswara Rao,
r/o Kesamudram Village & Mandal, Warangal District.
2 Smt.Maduri Upamala, w/o Lingamurthy,
r/o Kesamudram Village & Mandal, Warangal District.

..... PETITIONERS

AND

1 The Mandal Revenue Officer, Kesamudram Mandal, Warangal District.
2 The Village Secretary, Gram Panchayat, Kesamudram, Warangal District.
3 Sri Md.Mahaboob Khan, s/o sarvar Khan,
Kesamudram, Warangal District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue appropriate writ or order or direction more particularly one in nature of writ of mandamus declaring the action of the respondents in interfering with the peaceful possession and enjoyment of the petitioners over the assigned land in Sy.No.256/409 in Kesamudram Station and Mandal, Warangal District vide File No.A/385/2003 as illegal, arbitrary and against principles of natural justice and consequently direct the respondents not to interfere and dispossess the petitioners from the said land.

Counsel for Petitioners:MR.P.GIRI KRISHNA

Counsel for the Respondents 1&2: GP FOR REVENUE

The Court, at the stage of admission, made the following :

ORDER

This writ petition is filed on the apprehension that the respondents will not follow the procedure for cancellation of the assignment made in favour of the petitioners, if they want to assign the same to third parties. It is needless to say that once assignment is made in favour of the petitioners for about 43 Sq.yds. of land in Sy.No.256/409 of Kesamudra Station & Mandal, Warangal District in the year 2003 and if at all the said land is required to be assigned to any third parties, without following the due procedure, the respondents 1 and 2 cannot evict the petitioners from the said land. The writ petition filed on mere apprehension, cannot be entertained and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs.

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A. GOPAL REDDY. J.

3rd November, 2004

tsr.

To

1 The Mandal Revenue Officer, Kesamudram Mandal, Warangal District.
2 The Village Secretary, Gram Panchayat, Kesamudram, Warangal District.
3. Two CCs to Government Pleader for Revenue, High Court Buildings, Hyderabad. (OUT).

4 Two CD copies.